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June 10, 2005

**VIA ELECTRONIC FILING**

Hon. David N. Hurd  
United States District Judge  
Northern District of New York  
300 Alexander Prinie Federal Building  
10 Broad Street  
Utica, New York 13501

Re: **Rome Ambulatory Surgery Center, LLC v. Rome Memorial Hospital, Inc.**  
**and Greater Rome Affiliates, Inc.**  
**Civil Action No.: 5:01-CV-023 (DNH/GJD)**

Dear Judge Hurd:

We enclose a Stipulation of Discontinuance in this matter. If it meets with the Court's approval, will you kindly sign and direct its filing on the Court docket.

Thank you for your consideration.

Respectfully submitted,

**HANCOCK & ESTABROOK, LLP**

Thomas C. Buckel, Jr.

TCB,Jr./pac  
Enclosure

cc: William Kopit, Esq. (w/enc.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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ROME AMBULATORY SURGERY CENTER, LLC,

Plaintiff,

-vs-

ROME MEMORIAL HOSPITAL, INC. and  
GREATER ROME AFFILIATES, INC.,

Defendants.

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Civil Action No.:  
5:01-CV-023  
(DNH/GJD)

**STIPULATION OF DISCONTINUANCE BECAUSE OF SETTLEMENT**

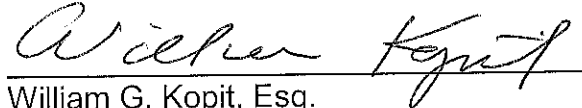
1. The parties to this action have reached a settlement.
2. Under the terms of the settlement, this action will be dismissed with prejudice. Neither side acknowledges liability or fault to the other, but instead agrees to resolve this case on mutually acceptable terms in order to avoid the expense and uncertainty of litigation.
3. Each party may retain all documents, and any copies of them, obtained from other parties in the course of discovery, and all summaries of that material; but such material must be retained in confidence subject to the revised Protective Order dated October 24, 2002, or otherwise destroyed.

4. All documents currently filed under seal in this action shall remain filed under seal.

5. The terms and conditions upon which the parties agreed to settle this case shall be maintained in the strictest confidence by the parties and their insurers, attorneys, Board members, officers, employees and/or members.

6. The Court may enter an Order of Dismissal accordingly.

DATED: June 10, 2005



William G. Kopit, Esq.

**EPSTEIN, BECKER & GREEN, P.C.**

*Attorneys for Plaintiff*

*Office and P.O. Address*

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Tel. (202) 861-0900

DATED: June 10, 2005



Thomas C. Buckel, Jr., Esq.

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Tel. (315) 471-3151

SO ORDERED:

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The Hon. David N. Hurd  
United States District Court Judge